THE HONOURABLE SRI JUSTICE GODA RAGHURAM
AND
THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 24917 OF 2006

Between:

P.Gurunadha Rao

... Petitioner

And :

High Court of AP, Hyderabad,
rep by its Registrar (Vigilance) and others

... Respondents

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AND
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ORAL ORDER: (Per GR,J)

By the order of the 2nd respondent in G.O.Ms.No.83, dated.29-05-2006, made pursuant to the recommendations of the 1st respondent, the petitioner was retired from service under the first Proviso to Section 3(IA) of Andhra Pradesh Public Employment (Regulation of age of Superannuation) Act, 1984 (the Act) w.e.f 30-06-2006 on completing the age of 58 years. The order directed payment of three months salary in lieu of notice in accordance with Rule.44 of the Andhra Pradesh Revised Pension Rules,1980. Accordingly, the petitioner, who was then functioning as a Registrar of the Andhra Pradesh State Consumer Redresal Commission, was ordered to be retired from service on 30-06-2006. Consequently the 1st respondent

by an order dated.06-06-2006 directed relief of the petitioner from his post w.e.f.30-06-2006. The petitioner represented to the 1st respondent for a review of its decision to invoke the power under Sec.3(1)(a) of the Act. This review was rejected by the 1st respondent by an order dated.17-10-2006.

The petitioner assails the decision to compulsorily retire him at 58 years on the ground that he never received a memo in his career alleging lack of integrity, dishonesty or inefficiency. No disciplinary enquiry was ever initiated against him alleging any serious misconduct. It is further contended that he was granted selection grade on 29-05-2006 w.e.f.26-05-2006, at around the same time as the decision to retire him compulsorily at 58 years and therefore it must be inferred that his record of service was not such as to warrant the exercise of powers under Sec.3(1)(A) of the Act.

The 1st respondent has filed a counter-affidavit. It is asserted that the record of the petitioner was reviewed by the Administrative Committee of the Hon'ble Judges of the High Court at a meeting held on 19-04-2006 and the Committee having considered the service profile of the Officer, rate of disposal, the quality of his judgments and orders, integrity, Service record from time to time and the action taken thereon had resolved::-

> " The Committee noted that in the year 1997 and 1998, the quality of his work was treated as not satisfactory by one of the Hon'ble Judges. The Committee also noted that in 1991, the Officer was warned in relation to Complaint Case No.538 of 1991. In 1997, the Officer was advised to follow the procedure and was asked not to dispose of the cases in Chambers. In connection with Complaint Case No.1364 of 1999, the Officer was warned to be careful in getting involved with the people's representative.
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> In some of the orders/awards passed by the Officer as Presiding Officer of Industrial Tribunal-cum-Labour Court, Godavarikhani, this Court observed that the Officer had decided the cases in slipshod manner and his orders do not conform to

the basic tenets of judgment writing. The Court further observed that the casual manner in which the Officer was deciding the cases resulted in unnecessary filing of writ petition in this Court.

By taking overall view of the matter the committee resolved that he is not fit to be continued in service up to the age of 60 years. It was further resolved that Sri P.Gurunadha Rao be compulsorily retired from service on completition of 58 years of age in terms of first proviso to Sec.3(1)(a) of the Andhra Pradesh Public Employment (Regulation of Age of superannuation) Act,1984. He shall be paid three months pay in lieu of notice."

Consequent on such resolution recommendation was made to the 2nd respondent. Consequently the order in G.O.Ms.No.83 dated.29-05-2006 was passed. The representation of the petitioner dated.03-06-2006 was duly considered by the Administrative Committee and on a fresh consideration of the service record of the officer consequent on the representation, the Committee found no grounds to review the decision taken earlier and accordingly rejected the representation. The petitioner made a further representation. It was also rejected by the Administrative Committee at the meeting held on 10-10-2006.

We have carefully perused the record of the Officer that was considered by the Administrative Committee. The record discloses that the Administrative Committee of the High Court was satisfied on an analysis of the over all record of the Officer that he was not fit to be continued in service up to the age of 60 years for the reason that his judgments were very brief, laconic and cursory and his orders are recorded in a slipshod manner disclosing a casual approach to the drafting of the judgments and the analysis of evidence. The fact that no major disciplinary proceedings were ever initiated against him or that there is no established cloud over his integrity is not the only relevant criterion for the assessment whether to continue upto the age of 60 years. The qualitative performance of an Officer of a rank of District Judge in the Andhra Pradesh State Higher Judicial Service is a critical

component of the quality of judicial service that is expected by the public. The appropriate authority found the petitioner to have fallen below this expected standard.

This court discerns no infirmity in the order impugned, warranting interference under Article.226 of the Constitution. There are no merits. The writ petition is accordingly dismissed. No order as to costs.

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GODA RAGHURAM,J

19TH SEPTEMBER 2007
*TSNR/PVSN

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S.ANANDA REDDY,J